

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: COLOPLAST CORP.,
PELVIC SUPPORT SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL No. 2387

THIS DOCUMENT RELATES TO:

Kimberly Beeler v. Mentor Worldwide LLC
Civil Action No. 2:14-cv-16831

MEMORANDUM OPINION AND ORDER

Pending before the court is Defendant's Motion to Dismiss [ECF No. 21] filed by Mentor Worldwide LLC ("Mentor"). The plaintiff has responded [ECF No. 23]; thus, this matter is ripe for my review. For the reasons stated below, the motion is **GRANTED**.

Defendant's Motion arises from this court's Order [ECF No. 20], entered on February 26, 2018, granting the second Motion to Dismiss [ECF No. 17] filed by Coloplast Corp. ("Coloplast") for failure to serve a Plaintiff Fact Sheet ("PFS") in compliance with Pretrial Order ("PTO") # 124. In that Order, I determined that "[b]ecause the less drastic sanction instituted against the plaintiff has had no effect on her compliance with and response to this court's discovery orders, which she has continued to blatantly disregard, . . . dismissing the defendant with prejudice is now appropriate." Order at 2. Now, Mentor moves for dismissal with prejudice on the same ground.

For the reasons explained in my February 26, 2018 Order dismissing Coloplast, it is **ORDERED** that the Defendant's Motion to Dismiss [ECF No. 21] is **GRANTED**, and Mentor is **DISMISSED with prejudice**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: April 6, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE